IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

FRIDAY, THE 7TH SEPTEMBER, 2007 / 16TH BHADRA, 1929

WP(C).No. 26673 of 2007(A)

PETITIONER:

B. KRISHNA KUMAR,
MANAGING PARTNER, UNIFAB, GENERAL ENGINEERS &
FABRICATORS, A-1 INDUSTRIAL ESTATE, MUDICAL P.O.,
PERUMBAVOOR-683 547.

BY ADV. SMT.JAYASREE MANOJ
SRI.M.RISHIKESH SHENOY

RESPONDENT:

THE ASSISTANT PROVIDENT FUND
COMMISSIONER (ENFORCEMENT), EMPLOYEES PROVIDENT
FUND ORGANISATION, REGIONAL OFFICE, KALOOR,
KOCHI-17.

BY STANDING COUNSEL SRI.S.GOPAKUMARAN NAIR.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 07/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S. SIRI JAGAN, J.

WP(C) NO. 26673 OF 2007 - A

Dated this the 7th day of September, 2007

J U D G M E N T

The petitioner has been assessed to Provident Fund contributions as per Ext.P1 order under Section 7A of the Employees' Provident Fund and Miscellaneous Provisions Act, 1952 (for short 'the Act'). The petitioner submits that his establishment is in a very serious financial crisis and if the petitioner is directed to pay the amount demanded at once, the petitioner would be forced to close the establishment rendering its employees jobless. The petitioner therefore seeks a direction to the respondent to permit the petitioner to pay the amount demanded in instalments.

2. The learned Standing Counsel for the Employees Provident Fund Organisation opposes the prayer and submits that an amount of Rs.2,95,554/- is due on 3.2.2007 out of which employees contributions alone would come to about Rs.1 lakh, and even if this

Court is inclined to take a lenient view, at least that amount may be directed to be paid, immediately.

3. After considering the arguments of both sides, I dispose of this writ petition with the following directions:-

The petitioner shall pay an amount of Rs.50,000/- (Rupees fifty thousand only) within one month from today. The balance amount due from the petitioner shall be paid in ten equal monthly instalments starting from 1st November, 2007. This is subject to condition that the petitioner shall promptly pay the current contributions also without default. If the petitioner pays the initial amount of Rs.50,000/-, the instalments and the current contributions as directed above, the proceedings pursuant to Ext.P1 shall be kept in abeyance. However, if the petitioner commits default in payment of the initial amount or any of the instalments within the time stipulated as above or the

current contributions, it would be open to the respondent to continue proceedings as now initiated without having to issue any fresh notice or proceedings in that regard.

S. SIRI JAGAN,
Judge

Mbs/

S.SIRI JAGAN, J

W.P.(C) NO. OF 2001

J U D G M E N T

DATED: 07-09-2007